USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/17/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Report on Offender Under Supervision and/or Petition for Warrant or Summons

Offender: Joshua Young Docket Number: 04-CR-633-1 (DC)

Sentencing Judicial Officer: Honorable Denny Chin, United States District Judge

Date of Original Sentence: November 10, 2005

Original Offense: Conspiracy to Commit Bank Fraud, 18 U.S.C. 1349, a class B felony

Original Sentence: One (1) month imprisonment, three (3) years supervised release, Special conditions include: five months community corrections center, full financial disclosure, no new credit or additional lines of credit, participate in an alcohol aftercare treatment program, search/seizure, $100 special assessment fee and $234,559.87 restitution.

Type of Supervision: Supervised Release Date Supervision Commenced: August 16, 2006

NON-COMPLIANCE SUMMARY

The offender has not complied with the following condition of supervision:

Violation Number	Nature of Non-compliance
1	**ON OR ABOUT SEPTEMBER 27, 2008, IN SUFFOLK COUNTY, NY THE RELEASEE COMMITTED A STATE CRIME, LOITERING IN THE FIRST DEGREE IN VIOLATION OF NEW YORK STATE PENAL LAW 240.36, A CLASS B MISDEMEANOR AND CRIMINAL POSSESSION OF A CONTROLLED SUBSTNCE IN THE SEVENTH DEGREE IN VIOLATION OF NEW YORK STATE PENAL LAW 220.03, A CLASS A MISDEMEANOR. MANDATED CONDITION, GRADE C VIOLATION.**

U.S. PROBATION OFFICER ACTION

This office recently received documents from U.S. Probation Officer (USPO)James Bloomfield from the Eastern District of New York requesting that we submit a status report to Your Honor with regards to the defendant's performance on supervised release.

On September 27, 2008, Young was arrested by the Suffolk County Police Department and charged with Loitering in the First Degree in violation of New York State Penal Law 240.36, a Class B Misdemeanor and Possession of a Controlled Substance in the Seventh degree Criminal Possession of a Controlled Substance in the Seventh Degree in violation of New York State Penal Law 220.03, a Class A Misdemeanor. Young was arraigned in Suffolk County First District Court on September 29, 2008 and pled not guilty.

As of the writing of this memorandum, Young has not reported the above arrest to the U.S. Probation Department and he is currently at liberty in the community.

SUMMARY OF COMPLIANCE WITH SUPERVISION CONDITIONS

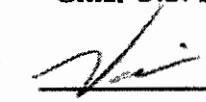
Upon commencing supervision, Young was residing in West Babylon, New York with his mother and was initially unemployed. During the term of supervised release, Young has maintained an unstable job history but is currently working as a laborer for a chimney company in Bohemia, New York. Throughout his supervision term, Young has had multiple positive urine samples which were the result of prescription medication attributed to a back injury. Young completed an outpatient drug treatment program with Community Counseling Service in February, 2008. Based upon Young's employment record, he has been delinquent on his restitution payments. To date he has paid $1,427.00 towards his $234,559.87 restitution obligation.

RECOMMENDATION AND JUSTIFICATION

Based upon the above arrest, we are requesting that the Court be notified and that no adverse action be taken against the offender at this time, so that we may continue to monitor the new criminal case and offer the offender an opportunity to participate in a treatment program based upon the nature of the arrest. Upon conclusion of the new local criminal case or if further acts of violative conduct are discovered, we will notify the Court accordingly with appropriate recommendations for further action.

Respectfully submitted,

Chris J. Stanton
Chief U.S. Probation Officer

by 

Peter A. Merrigan
Supervising U.S. Probation Officer
Date: 10/16/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PROBATION OFFICE

Judicial Response

[✓] Court approves U.S. Probation Officer's recommendation

or

The Court Orders:

[ ] The Issuance of a Summons

The Offender is directed to appear as follows:

Date: _____

Time: _____

Place: _____

[ ] The Issuance of a Warrant
[ ] Submit a Request for Modifying the Condition or Term of Supervision
[ ] Other

Signature of Judicial Officer

10/17/08

Date